

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF IOWA

IN RE:

MERCY HOSPITAL, IOWA CITY, IOWA,
et al.,

Debtor.

CHAPTER 11
BANKRUPTCY NO. 23-00623

**MOTION TO CONFIRM NO STAY OF
ACTION**

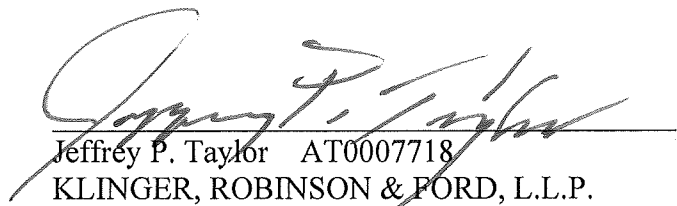
COMES NOW, Tyler Davis and Ashley Kurka, both individually and as parents and next friends of K.D., a minor person (“Claimants”), by and through their attorney, Jeffrey P. Taylor of Klinger, Robinson & Ford, L.L.P., and for their Motion to Confirm No Stay of Action, respectfully state to the Court as follows:

1. The Court has jurisdiction over this matter pursuant to 28 U.S.C. §157. This matter is a core proceeding within the meaning of 28 U.S.C. §157(b)(2).
2. The Debtor filed a proceeding under Chapter 11 of the United States Bankruptcy Code on August 7, 2023.
3. On June 20, 2022 at Mercy Hospital, Iowa City, Iowa, Jami Shepard, M.D. (“Dr. Shepard”) delivered K.D. by caesarean delivery. At the time she is believed to have been employed by Obstetric and Gynecologic Associates of Iowa City and Coralville, P.C. (the “Clinic”).
4. The Claimants allege Dr. Shepard, in the process of performing the caesarean delivery, negligently caused injury to K.D.
5. The Claimants intend to file suit and pursue a medical malpractice claim against Dr. Shepard and the Clinic.
6. Subsequent to the delivery and sometime in calendar year 2023 Dr. Shepard became an employee of the Debtor.

7. This Motion requests an Order from this Court confirming the automatic stay provided for in 11 U.S.C. §362 does not preclude filing the lawsuit against Dr. Shepard and the Clinic pursuant to 11 U.S.C. §362(j).

8. The Debtor, the Unsecured Creditors Committee, and the Official Committee of Pensioners consent to the granting of this Motion.

WHEREFORE, based upon the foregoing, the undersigned respectfully prays that this Court enter an Order confirming the automatic stay does not prevent Claimants from filing suit against Jami Shepard, M.D. and Obstetric and Gynecologic Associates of Iowa City and Coralville, P.C. Further, counsel prays for such other additional relief as this Court deems just and equitable.



Jeffrey P. Taylor AT0007718
KLINGER, ROBINSON & FORD, L.L.P.
401 Old Marion Road NE
P. O. Box 10020
Cedar Rapids, IA 52410-0020
(319) 395-7400
(319) 395-9041 (Facsimile)
jtaylor@krflawfirm.com

ATTORNEY FOR TYLER DAVIS AND
ASHLEY KURKA, INDIVIDUALLY AND AS
PARENTS AND NEXT FRIENDS OF K.D., A
MINOR CHILD

CERTIFICATE OF SERVICE

The undersigned hereby certifies under penalty of perjury, that a copy of this document was served electronically on the parties who receive electronic notices through CM/ECF as listed on the CM/ECF's Notice of Electronic Filing.

5/30/24
Date

Jeanine Kanelis